

HOUSE BILL 397

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0lr1869
CF 0lr3077

By: **Delegates D. Barnes, Acevero, Brooks, Crutchfield, D.M. Davis, Fennell, Ivey, Lehman, Pena–Melnik, Proctor, Rosenberg, Smith, Valderrama, Valentino–Smith, and Wells**

Introduced and read first time: January 22, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics – Legislative Unit – Definition**

3 FOR the purpose of altering the definition of “legislative unit” to include certain caucuses
4 of the General Assembly; and generally relating to public ethics and legislative units.

5 BY repealing and reenacting, without amendments,
6 Article – General Provisions
7 Section 5–101(a) and 5–505(b)(2) and (c)(2)(i)
8 Annotated Code of Maryland
9 (2019 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – General Provisions
12 Section 5–101(w)
13 Annotated Code of Maryland
14 (2019 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – General Provisions**

18 5–101.

19 (a) In this title the following words have the meanings indicated unless:

20 (1) the context clearly requires a different meaning; or

21 (2) a different definition is adopted for a particular provision.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (w) "Legislative unit" means:

2 (1) the General Assembly;

3 (2) either house of the General Assembly;

4 (3) a standing committee of the General Assembly, provided that the
5 presiding officer of the House of Delegates and the presiding officer of the Senate shall be
6 deemed an ex officio member of any standing committee of the presiding officer's chamber;
7 [or]

8 (4) a county or regional delegation of members of the General Assembly
9 that is recognized by a presiding officer of the General Assembly; **OR**

10 **(5) A CAUCUS OF MEMBERS OF THE GENERAL ASSEMBLY THAT IS**
11 **OFFICIALLY RECOGNIZED BY A PRESIDING OFFICER OF THE GENERAL ASSEMBLY.**

12 5-505.

13 (b) (2) Except as provided in subsection (c) of this section, an official or
14 employee may not knowingly accept a gift, directly or indirectly, from an entity that the
15 official or employee knows or has reason to know:

16 (i) does or seeks to do any business of any kind, regardless of
17 amount, with the official's or employee's governmental unit;

18 (ii) engages in an activity that is regulated or controlled by the
19 official's or employee's governmental unit;

20 (iii) has a financial interest that may be affected substantially and
21 materially, in a manner distinguishable from the public generally, by the performance or
22 nonperformance of the official's or employee's official duties; or

23 (iv) is a regulated lobbyist with respect to matters within the
24 jurisdiction of the official or employee.

25 (c) (2) Subject to paragraph (1) of this subsection, subsection (b) of this section
26 does not apply to:

27 (i) 1. except for officials of the Legislative Branch, meals or
28 beverages received and consumed by the official or employee in the presence of the donor
29 or sponsoring entity;

30 2. for officials of the Legislative Branch, food or beverages
31 received and consumed by the official in the presence of the donor or sponsoring entity as
32 part of a meal or reception to which all members of a legislative unit were invited;

1 3. for a member of the General Assembly, food or beverages
2 received from a donor or sponsoring entity, other than an individual regulated lobbyist
3 described in § 5–701(a)(1) of this title, during a period when the General Assembly is not
4 in session, at a location that is within a county that contains the member’s district, provided
5 that the donor or sponsoring entity is located within a county that contains the member’s
6 district; or

7 4. for a member of the General Assembly, food or beverages
8 received at the time and geographic location of a meeting of a legislative organization for
9 which the member’s presiding officer has approved the member’s attendance at State
10 expense;

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2020.